

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

CEASE AND DESIST ORDER NO. 98-25

**Color Spot Nurseries
Fallbrook, San Diego County**

The California Regional Water Quality Control Board, San Diego Region (hereinafter RWQCB), finds that:

1. Order No. 86-32, *An Order Prohibiting the Discharge of Wastes Beyond the Limits of Lands Owned or Controlled by Color Spot Foliage Inc., near Fallbrook, San Diego County*, was adopted by this RWQCB on June 16, 1986.
2. Prohibition A.1 of Order No. 86-32 states:

A.1 “The discharge of wastewater from Color Spot Foliage Inc. beyond the limits of lands owned or controlled by Color Spot Foliage Inc. (hereinafter discharger) is prohibited.”
3. RWQCB staff inspected the Color Spot facility on April 23, 1997 and noted that irrigation return water was being discharged to a nearby creek. Staff informed Color Spot that the discharge was prohibited and requested steps be taken to terminate the discharge.
4. RWQCB staff inspected the site on October 21, 1997 and again observed discharges of irrigation return water to the creek.
5. On October 24, 1997, Notice of Violation No. 97-68 was issued to Color Spot Foliage Inc. The Notice of Violation required the discharger to submit plans with a time schedule to terminate the discharge.
6. The discharger submitted a design report on January 27, 1998 to comply with Notice of Violation No. 97-68.
7. Color Spot Nurseries has developed and submitted, a Tailwater Waste Management Plan. The Tailwater Waste Management Plan includes implementation dates and a timeline for the work necessary to terminate the discharge of irrigation tailwater. This Cease and Desist Order enforces the submitted implementation schedule and timeline.
8. RWQCB staff observed irrigation return water discharging from the facility in violation of Order No. 86-32, on February 10, 1998.
9. Color Spot Nurseries has intentionally and/or negligently violated Prohibition A.1. and is currently violating Prohibition A.1. of Order No. 86-32.

10. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that, in accordance with Section 13301 of the California Water Code, Color Spot Nurseries shall cease and desist from discharging wastes in violation of Order No. 86-32.

1. Compliance with this order shall be determined by, but not limited to, Color Spot Nurseries providing and operating facilities which shall contain all irrigation return water and prevent any discharge of irrigation return water from property owned or controlled by Color Spot Nurseries.
2. Color Spot Nurseries shall comply with the following time schedule to achieve compliance with this Order:

TASK	START DATE	END DATE
Existing Tailwater and Containment Pond	April 1998	August 1998
Irrigation Delivery		
Main Line Phase 1	June 1998	September 1998
Main Line Phase 2	June 1999	September 1999
Irrigation System Reorganization	June 1998	September 1998
Tailwater Sumps	April 1998	November 1998
Storm Water Ditches and Culverts		
North	June 1998	November 1998
South	June 1998	November 1998

4. Color Spot Nurseries shall submit written progress reports to the Regional Board Executive Officer. The reports shall contain all information necessary to indicate the progress toward completion of each task that is in progress. The reports shall be submitted according to the following schedule:

Reporting Period	Due Date
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up through May 1998	June 30, 1998
June - July 1998	August 30, 1998
August - September 1998	October 30, 1998
October - November 1998	December 30, 1998
December 1998 - February 1999	March 30, 1999
March - May 1999	June 30, 1999
June - August 1999	September 30, 1999
September - November 1999	December 30, 1999

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on April 8, 1998.

John. H. Robertus
Executive Officer